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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/782,011	02/12/2001	David Leigh Donoho	UNIV0001D2-C	2182
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GLENN PATENT GROUP 3475 EDISON WAY, SUITE L MENLO PARK, CA 94025			EXAMINER CHOUDHURY, AZIZUL Q	
			ART UNIT	PAPER NUMBER
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			05/30/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/782,011

Applicant(s)

DONOHU ET AL.

Examiner

Azizul Choudhury

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2007.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,5,7,9-12 and 20-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,5,7,9-12 and 20-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This action is responsive to the amendment of the applicant, received on February 28, 2007.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 5, 7, 9-12 and 20-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Ahmad, USPN 6,029,258.

3. Regarding claim 1, Ahmad discloses a method for inspecting any of the properties of a consumer's computer, the computer's configuration, contents of the computer's storage devices, the computer's peripherals, the computer's environment, or remote affiliated computers, comprising the steps of: at least one inspector which includes an inspector library having special purpose executable code, executing on said consumer's computer [Ahmad, col. 7, line 59 – col. 8, line 26 and col. 10, lines 30-43]; said inspector automatically and without receiving consumer input querying at least one physical device communicatively coupled to said consumer's computer, in order to

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glean property information concerning said consumer's computer [Ahmad, col. 13, lines 9-16]; wherein the inspector performs any of mathematic-logical calculations, executes computational algorithms, returns the results of system calls, accesses the contents of storage devices, and queries devices [Ahmad, col. 8, lines 27-49 and col. 9, lines 44-63], wherein said inspector automatically evaluates a database of advise for relevance to said consumer's computer by use of an automated advise reader, wherein said advise reader operates in the absence of consumer involvement [Ahmad teaches how problems are troubleshot with the aid of a database; col. 2, lines 4-8. In addition, the troubleshooting can be performed automatically; col. 13, lines 9-12. Plus Ahmad teaches a system that monitors remote devices; column 5, lines 20-43 and column 13, lines 40-55].

4. Regarding claim 5, Ahmad further discloses sending certain relevance clauses to a remote location; evaluating the clauses; and returning the clauses after a user is made aware of what is being transferred; wherein properties of the remote location are learned [Ahmad, col. 6, lines 36-67 and col. 9, lines 44-63].

5. Regarding claim 7, Ahmad further discloses a computer implemented inspector for inspecting any of the properties of a computer, said computer's configuration, contents of said computer's storage devices, said computer's peripherals, said computer's environment, or remote affiliated computers, said inspector comprising: an inspector library containing executable code, which is invoked as part of a continual

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relevance evaluation process, executing on said consumer's computer [Ahmad, col. 7, line 59 – col. 8, line 26 and col. 10, lines 30-43]; wherein said inspector is configured to automatically and without receiving consumer's input query at least one physical device communicatively coupled to said consumer's computer, in order to glean property information concerning said consumer's computer [Ahmad teaches how troubleshooting can be performed automatically; col. 13, lines 9-12. Plus Ahmad teaches a system that monitors remote devices; column 5, lines 20-43 and column 13, lines 40-55]; one or more automatic unattended inspector methods for performing any of mathematic-logical calculations, executing computational algorithms, returning the results of system calls, accessing the contents of storage devices, and querying devices or remote computers [Ahmad, col. 2, lines 4-8 and col. 17, lines 9-12], wherein a one way membrane allows said inspector methods to view a relevant advisory without divulging user's identity [Ahmad, col. 7, line 69 – col. 8, line 26 and col. 10, lines 30-43; user identity is not obtained from the user's machine in Ahmad's design]

6. Regarding claims 20-22, Ahmad further discloses the inspector resides at the consumer's computer, wherein invoking the inspector with an advice reader running on the consumer's computer, accessing the special purpose executable code using the advice reader [Ahmad, col. 7, line 59 – col. 8, line 26 and col. 10, lines 30-43].

7. Regarding claim 23, Ahmad further discloses installing at least a portion of contents of the inspector library at run-time [Ahmad, col. 8, lines 3-49].

8. Regarding claims 24-27, Ahmad further discloses delivering advisories from an advice provider to the consumer's based upon results from the at least one inspector, wherein an advice provider delivering information from a plurality of advice providers, wherein information about a consumer does not transfer from the consumer's computer unless the consumer initiates the transfer and dynamically updating a collection of the inspector libraries [Ahmad, col. 7, line 59 – col. 8, line 26, col. 10, lines 30-43 and col. 16, line 52 – col. 17, line 9].

9. Regarding claim 28, Ahmad further discloses the step of inspecting using the at least one inspector any of: version, operating system, registry, preferences, and a database [Ahmad, col. 9, lines 44-63].

10. Regarding claims 9-12, the claims 9-12 have similar limitations as claims 1, 5 and 20-28. Therefore, the similar limitations are disclosed under Ahmad for the same reasons set forth in the rejection of claims 1, 5 and 20-28 [Supra 1, 5 and 20-28].

Response to Arguments

The amendment received on February 28, 2007 has been carefully examined but is not deemed fully persuasive.

With regards to the amended independent claims 1, 7 and 12, they continue to stand rejected under 102(e) by the Ahmad prior art. Applicant contends that the prior

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art does not teach the claim feature of, "*at least one physical device communicatively coupled to said consumer's computer, in order to glean property information concerning said consumer's computer.*" The examiner disagrees with this contention. Ahmad teaches a system that monitors remote devices (i.e. printers); column 5, lines 20-43. Furthermore, Ahmad teaches how printers are monitored; column 13, lines 40-55. That is, Ahmad teaches how printer paper status is checked (equivalent to gleaning property concerning a physical device coupled to said consumer's computer). Plus, when a physical device is monitored, it has to be communicated to through software (as it is done in Ahmad's design). Hardware alone (without any software) cannot be communicated with in networks.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Azizul Choudhury whose telephone number is (571) 272-3909. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on (571) 272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AC


JASON CARDONE
SUPERVISORY PATENT EXAMINER